

## **REMARKS/ARGUMENTS**

Applicants have carefully considered the final Office Action mailed November 2, 2007, and respectfully requests reconsideration in view of the following remarks.

### **I. Premature Final Office Action**

Applicants contend that the finality of the present action is premature, because new grounds of rejection were provided and were not necessitated by amendments to the claims. Pursuant to MPEP 706.07(a) “[u]nder present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is . . . [not] necessitated by applicant's amendment of the claims”

In the last response no claims were amended. In the Final action new grounds of rejection are forth on page 4 with respect to claim 20. Specifically, it is stated therein

[T]he local controller being configured to output the control signal to the first and second actuators, the first and second actuators configured to produce the haptic feedback (column 2, lines 42-43, the first and second actuators are taught by the use of the two motors which further provide haptic feedback the use of two motors for performing feedback). See Final office action, page 4

Considering that no amendments were made to the claims in the previous response, it cannot be said that the new grounds were necessitated by amendments to the claims. Therefore, it is respectfully requested that the finality of the present Office action be withdrawn as being premature.

### **II. Information Disclosure Statement**

In the Office action it was alleged that the Information Disclosure Statement (IDS) filed on August 20, 2007 allegedly failed to comply with 37 C.F.R. section 1.98(a)(2) for not providing each non-patent literature publication . . . which caused it to be listed. While the

undersigned did not file the aforementioned IDS a random check was made against the references cited in the aforementioned IDS and the references considered in the parent cases from which the instant patent application claims priority. It was determined that the eleven (11) references checked on page 2 of 3 of Form 1449 were considered in the parent case: U.S. patent number 6,876,891. Therefore, Applicants respectfully contend that it was not proper for the Examiner to refuse to consider the aforementioned eleven (11) references. Moreover, Applicants respectfully request the examiner to double-check that the references cited in each of the parent cases and considered the same as required by the rules, see MPEP 609.02 and that the same be recited on any patent issuing from the present patent application. To assist the examiner in ensuring all references are considered and recited on any patent issuing from the present patent application, a copy of the relevant portions of the Form 1449 are provided herewith for the examiner to initial.

### **III. Rejection of the Claims**

#### **A. Independent Claims**

In the Office action, claims 19, 25, and 31 were rejected as allegedly being obvious over United States patent number 5,103,404 to McIntosh in view of admitted prior art [hereinafter referred to as APA].

##### **1. Allegations of McIntosh's teachings**

###### **a. Citation to column 2, lines 49-54 and col. 3, lines 1-30 of McIntosh**

A great impediment to a cogent response to the rejections of the claims rests upon the realization that the features alleged to be taught by McIntosh are wholly absent from its teachings. For example, on page 2 of the Office action it is alleged that column 2, lines 49-54 and col. 3, lines 1-30 teach the features of "the haptic feedback including a modulating force simulating a plurality of electronically defined stop positions". The text corresponding to column 2, lines 49-54 is as follows:

One of the motors, used to provide tactile feed back force, is connected to the operator manipulated control. A second , load connected motor, actuates the manipulator. The motion of this motor, is determined by either operator controlled movements of the control motor or preprogrammed motion instructions.

The text corresponding to column 3, lines 1-30 is as follows:

highly accurate tactile feedback force to the operator indicative of the level of selected forces developed while operating the remote manipulator.

In other modes, system force information is used to dynamically weight the load and/or measure grasped load dimensions.

In selected circumstances, load dimension measuring might be accomplished by using system forces, together with elapsed encoder counts from a reference, to determine the physical dimensions of the grasped load. Load mass determination might be accomplished by setting known torques/forces to the load motor and using the resulting accelerations to determine the mass of the grasped load.

As can be seen from the preceding discussion, the system provides a readily programmable degree of coupling between the two motors of each pair, insuring accurate and precise real time tactile feedback to the operator as well as allowing for dimensional measurement or dynamic weighing of the grasped load.

#### BRIEF DESCRIPTION OF THE DRAWINGS

For a more complete understanding of the present invention and for further objects and advantages thereof, reference may now be had to the following detailed description taken in conjunction with the accompanying drawings, in which:

FIG. 1 is a block diagram of a system for providing operator tactile feedback for an electric manipulator in accordance with the teachings of the present invention;

The undersigned is unable to find in the above-cited text of McIntosh where the phrase "electronically defined stop positions" is recited. In addition neither the word "stop" nor the word "positions" is present in this text. Finally, there is no discussion found in the rejection explaining how the cited text teaches the features of the claims. As a result, the undersigned and therefore, the Applicant, are left with no reasonable means by which to determine the veracity of

the examiner's allegation that the cited text allegedly teaches the features of the claims. For the sake of brevity the undersigned will omit the voluminous number of cases that would render the present rejection defective. Suffice it to say that Applicants respectfully request that the Patent and Trademark Office provide the reasoning as to why the cited text is alleged to teach the claimed features. As it stands now, the undersigned believes that the present rejections are arbitrary and capricious and without the necessary specific analysis as required by the law. See *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007)(finding that an obviousness rejection "cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.")citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

b. Citation to column 10, lines 24-25

In yet another example, it is alleged that column 10, lines 24-25 of McIntosh teach the claimed features "based on a selection of at least one force profile from the plurality of force profiles". Referring to the cited section we find the text being as follows:

In general, the microprocessor 61 is in constant communication with the host computer 26 via some type of

As can be seen this is a sentence fragment. Therefore, it is assumed (in reality the undersigned is grasping at straws here as to what was really meant in the rejection however this is the best guess) that the intended citation is as follows:

In general, the microprocessor 61 is in constant communication with the host computer 26 via some type of interface to receive program instructions as well as provide a operator communications link.

Upon review of either of the above-cited text it becomes manifest that the term force profile is wholly absent therefrom, much less the phrase "plurality of force profiles". Therefore,

for the reasons stated above, Applicants contend that the rejections are defective and that the Patent and Trademark Office provide the reasoning as to why the cited text is alleged to teach the claimed features.

This is not to say that McIntosh is irrelevant. Based upon the teachings set forth in col. 10, lines 53-60. it appears that McIntosh is directed to determining a resisting torque to a motor shaft as a function of a change in angular displacement of the motor shaft. However, it is Applicants position that several of the features are missing from the prior art, in addition to those set forth above that prevent a *prima facie* case of obviousness from being present with respect to claims 19, 25, and 31.

#### B. Dependent Claim 20

In the Office action it was alleged that ‘‘McIntosh teaches the actuator being a first actuator (first motor), the device further comprising a second actuator (second motor), the local controller being configured to output the control signal to the first and second actuators, the first and second actuators configured to produce the haptic feedback (column 2, lines 42-43, the first and second actuators are taught by the use of the two motors which further provide haptic feedback the use of two motors for performing feedback).’’ This is an inaccurate interpretation of McIntosh. McIntosh makes clear than only one motor provides haptic feedback. (See col. 5, lines -24). The remaining motor is used to move the load. (See col. 1, lines 41-45). Therefore, it is submitted that a *prima facie* case of obviousness is not present with respect to dependent claim 20.

#### C. Remaining Dependent Claims

Considering that the dependent claims include the features of the independent claims from which they depend, the dependent claims are patentable to the extent that the independent claims are patentable. It is submitted, therefore, that a *prima facie* case of obvious is not present

with respect to the remaining dependent claims for the reasons set forth above with respect to the independent claims.

#### **IV. Conclusion**

It is respectfully requested that the claims be examined and in view of the amendments and remarks made above. A notice of allowance is earnestly solicited. If the Examiner has any questions or needs any additional information, the Examiner is invited to contact the undersigned. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,  
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